

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRACIE HOLMES,

Plaintiff,

Case No. 16-cv-13164  
Hon. Matthew F. Leitman

v.

KELLY SERVICES USA, LLC et al.

Defendants.

/

**ORDER (1) DENYING DEFENDANTS' MOTION TO DISMISS (ECF #17);**  
**(2) DENYING DEFENDANTS' MOTION TO STAY CONSIDERATION OF**  
**PLAINTIFF'S MOTION FOR CONDITIONAL CERTIFICATION (ECF**  
**#19); (3) TAKING UNDER ADVISEMENT DEFENDANTS' MOTION TO**  
**COMPEL ARBITRATION (ECF #13); AND (4) SETTING SCHEDULE**  
**WITH RESPECT TO MOTION FOR CONDITIONAL CERTIFICATION**  
**(ECF #5)**

On November 29, 2016, the Court held a hearing on three pending motions in this action. For the reasons stated on the record at the hearing, **IT IS HEREBY ORDERED** that:

- Defendants' Motion to Dismiss Plaintiff's Complaint under Federal Rule of Civil Procedure 12(b)(6) (ECF #17) is **DENIED**;
- Defendants' Motion to Stay Consideration of Plaintiff's Motion for Conditional Certification (ECF #19) is **DENIED**; and
- Defendants' Motion to Compel Arbitration (ECF #13) is **TAKEN UNDER ADVISEMENT**.

At the hearing, the Court also set the following schedule and procedure with respect to Plaintiff's pending Motion for Conditional Certification (ECF #5):

- Plaintiff shall submit any supplemental affidavits and/or declarations that she wishes to submit in support of the Motion for Conditional Certification by no later than December 13, 2016;
- All individuals, including Plaintiff, who submit such an affidavit and/or declaration shall appear for a deposition with respect to the substance of their submission by no later than January 13, 2017;
- Defendants shall file their response brief in opposition to the Motion for Conditional Certification by no later than January 27, 2017; and
- Plaintiff may file a reply brief by no later than February 3, 2017.

**IT IS SO ORDERED.**

Dated: November 29, 2016

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 29, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
(313) 234-5113